

**IN THE NORTHERN DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BOARD OF TRUSTEES OF THE)
NORTHERN ILLINOIS BENEFIT FUND,)
BOARD OF TRUSTEES OF THE)
NORTHERN ILLINOIS PENSION FUND,)
BOARD OF TRUSTEES OF THE)
NORTHERN ILLINOIS EDUCATION)
FUND, BOARD OF TRUSTEES OF) No. 13 C 161
THE NORTHERN ILLINOIS)
RETIREMENT FUND,) Judge Shadur
)
Plaintiffs,) Magistrate Judge Rowland
)
v.)
)
HOLMES MECHANICAL INDUSTRIES,)
INC., an Illinois corporation,)
)
Defendant.)

PLAINTIFF TRUSTEES' MOTION FOR JUDGMENT IN SUM CERTAIN

NOW COME the Plaintiffs, the BOARDS OF TRUSTEES OF THE NORTHERN ILLINOIS BENEFIT FUNDS, by and through their attorneys, ANDREW S. PIGOTT, DONALD D. SCHWARTZ, and ARNOLD & KADJAN, and, in their Motion for Judgment in Sum Certain against Defendant, HOLMES MECHANICAL INDUSTRIES, INC. ("HOLMES"), state as follows:

1. Plaintiff Trustees filed their Complaint against HOLMES, on January 9 2013 seeking an order compelling a fringe benefit contributions audit, and judgment on any amounts determined to be due under the audit.
2. HOLMES appeared through counsel, answered the Complaint, and agreed to undergo the requested audit.
3. According to the Declaration of Jim Sanew (Ex. A), Plaintiffs' auditor, he

determined HOLMES to be delinquent in its contribution obligations, and to owe the Funds the following amounts:

- a. \$2,660.19 in Union dues;
- b. \$15,329.44 in Pension Fund contributions;
- c. \$6,018.00 in Retirement Fund contributions;
- d. \$15,222.00 in Health & Welfare Fund contributions;
- e. \$2,420.16 in Education Fund contributions;
- f. \$523.92 in Industry Fund contributions;
- g. \$141.60 in International Training Fund contributions;
- h. \$4,231.53 in liquidated damages based on HOLMES's failure to timely pay the amounts identified in the audit;
- i. \$340.09 in liquidated damages for contributions outside of the audit findings paid late; and
- j. \$894.55 in audit costs.

5. According to the Affidavit of Andrew S. Pigott, the Plaintiff Funds have incurred \$3,002.50 in attorneys' fees and costs in prosecuting this case, so far. (Ex. B).

WHEREFORE, Plaintiff Trustees ask this Court to enter the Order attached to their Motion as Exhibit C.

Respectfully submitted,

**BOARD OF TRUSTEES OF THE NORTHERN
ILLINOIS BENEFIT FUND, et al.**

BY: s/Andrew S. Pigott
One of Plaintiffs Attorneys

Donald D. Schwartz
Andrew S. Pigott
ARNOLD AND KADJAN
203 N. LaSalle St., Ste. 1650
Chicago, Illinois 60601
(312) 236-0415